

REMARKS

The Communication required submission of a computer readable and paper copy of the sequence listing.

It is respectfully asserted that the sequence disclosure contained in the application now fully complies with the requirements set forth in 37 C.F.R. § 1.821 to § 1.825.

It is respectfully submitted that the Sequence Listing conforms to the requirements of 37 C.F.R. §1.823(b). The Statements required by 37 C.F.R §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821 (g), the undersigned hereby states that this submission, filed in accordance with 37 C.F.R. §1.821 (g), does not contain new matter.

Pursuant to 37 C.F.R. §1.821 (f), the undersigned hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821 (c) and (e), respectively, are the same.

CONCLUSION

In view of the amendments, remarks and enclosures herein, it is respectfully submitted that the application now complies with all requirements set forth in the Communication, including the requirements for computer readable disclosure of the biological sequences under 37 C.F.R. §1.821-1.825. Reconsideration and withdrawal of the objections are earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for the Applicant

By:

  
\_\_\_\_\_  
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800

Enclosures: -Paper copy of Sequence Listing  
-Computer Readable Copy of Sequence Listing  
-Copy of the Communication



## UNITED STATES PATENT AND TRADEMARK OFFICE



JUL 08 2002

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,672	10/02/2000	Jean-Christophe Francis Audonnet	454313-3160	3424
20999	7590	06/06/2002		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER	
			NGUYEN, DAVE TRONG	
			ART UNIT	PAPER NUMBER
			1632	

*Received: July 6, 2002*  
*Sequence Listing 1/*

DATE MAILED: 06/06/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/677,672	10/02/2000	Audonnet	
		EXAMINER	
		DAVE NGUYEN	
		ART UNIT	PAPER NUMBER
		1632	6

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications regarding the formalities should be directed to Patent Analyst Dianiece Jacobs, whose telephone number is (703) 305-3388.

Any inquiry concerning this communication or earlier communications from the

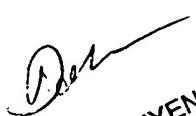
examiner should be directed to examiner *Dave Nguyen* whose telephone number is **(703) 305-2024**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Deborah Reynolds*, may be reached at **(703) 305-4051**.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is **(703) 305-7401**.

Any inquiry of a general nature or relating to the status of this application should be directed to the *Group receptionist* whose telephone number is **(703) 308-0196**.

Dave Nguyen  
Primary Examiner  
Art Unit: 1632

  
DAVE T. NGUYEN  
PRIMARY EXAMINER



**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set by the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: Please see the attached Raw Sequence Listing Error Summary

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**Applicant Must Provide:**

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- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

*DVS*

# RAW SEQUENCE LISTING ERROR REPORT

BIO TECHNOLOGY  
SYSTEMS  
BRANCH



The BioTechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/677,672

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Source: O/PF

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Date Processed by STIC: 10/13/2000

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THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin30help@uspto.gov](mailto:patin30help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

### Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be downloaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

# Sequence Listing Error Summary

## ERROR DETECTED      SUGGESTED CORRECTION

SERIAL NUMBER: 09/672,672

**ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE**

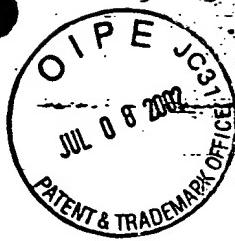
- |    |                                       |  |
|----|---------------------------------------|--|
| 1  | ____ Wrapped Nucleic                  | The number/text at the end of each line "wrapped" down to the next line.<br>This may occur if your file was retrieved in a word processor after creating it.<br>Please adjust your right margin to .3, as this will prevent "wrapping".  |
| 2  | ____ Wrapped Aminos                   | The amino acid number/text at the end of each line "wrapped" down to the next line.<br>This may occur if your file was retrieved in a word processor after creating it.<br>Please adjust your right margin to .3, as this will prevent "wrapping".   |
| 3  | ____ Incorrect Line Length            | The rules require that a line not exceed 72 characters in length. This includes spaces.  |
| 4  | ____ Misaligned Amino Acid Numbering  | The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.  |
| 5  | ____ Non-ASCII                        | This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.<br>Please ensure your subsequent submission is saved in ASCII text so that it can be processed.  |
| 6  | ____ Variable Length                  | Sequence(s) ____ contain n's or Xaa's which represent more than one residue.<br>As per the rules, each n or Xaa can only represent a single residue.<br>Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.  |
| 7  | ____ PatentIn ver. 2.0 "bug"          | A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.   |
| 8  | ____ Skipped Sequences (OLD RULES)    | Sequence(s) ____ missing. If intentional, please use the following format for each skipped sequence:<br>(2) INFORMATION FOR SEQ ID NO:X:<br>(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")<br>(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:<br>This sequence is intentionally skipped<br><br>Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s). |
| 9  | ____ Skipped Sequences (NEW RULES)    | Sequence(s) ____ missing. If intentional, please use the following format for each skipped sequence.<br><210> sequence id number<br><400> sequence id number<br>000  |
| 10 | ____ Use of n's or Xaa's (NEW RULES)  | Use of n's and/or Xaa's have been detected in the Sequence Listing.<br>Use of <220> to <223> is MANDATORY if n's or Xaa's are present.<br>In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.   |
| 11 | ____ Use of <213>Organism (NEW RULES) | Sequence(s) ____ are missing this mandatory field or its response.   |
| 12 | ____ Use of <220>Feature (NEW RULES)  | Sequence(s) ____ are missing the <220>Feature and associated headings<br>Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"<br>Please explain source of genetic material in <220> to <223> section.<br>(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)   |
| 13 | ____ PatentIn ver. 2.0 "bug"          | Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other means to copy file to floppy disk.   |



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RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/677,672

DATE: 10/13/2000  
TIME: 08:27:22

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Output Set: N:\CRF3\10132000\I677672.raw

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5 <120> TITLE OF INVENTION: ADUVENT CONTAINING DNA VACCINES  
7 <130> FILE REFERENCE: 454313-3160  
9 <140> CURRENT APPLICATION NUMBER: US/09/677,672  
10 <141> CURRENT FILING DATE: 2000-10-02  
12 <150> PRIOR APPLICATION NUMBER: PCT/FR99/00666  
13 <151> PRIOR FILING DATE: 1999-03-22  
15 <150> PRIOR APPLICATION NUMBER: 98 04409 FRANCE  
16 <151> PRIOR FILING DATE: 1998-04-03  
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45 gtaaaaacaa taactgtatc ccaaatttagt gtgacaaatg ctactgaatt agtccagagc 180  
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48 cttttcatag aaagaagcag cggttcage aattgtctacc catatgcacat ccctgactat 360  
49 gcatgcctcc ggttcattgt agcatctca ggaacattag aattcacagc agaggggttc 420  
50 acatggacag gtgtcactca aaacggaaaga agtggacgt gcggaaagggtt atcagcgtat 480  
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54 acagaaagaa gtcacaaac agtaatccctt aacatcggtt ctggccgtg ggtcagggtt 720  
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56 aacagataatg gcaatctgtt tgccacccggg ggatattta aattggacaa acggggaaacg 840  
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59 cccaaatata tcaggcaaaa cactttaaag ctggccactg ggatggagaa tgtaccagaa 1020  
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Does Not Comply  
Corrected Diskette Needed

PR 15

(global error)

This is a MANDATORY numeric identifier. The only valid responses for <213> are: Unknown or

Artificial Sequence  
or Scientific name  
(genus/species)

See 1.823 of  
New Sequence

Rules. See also  
circled portion  
of item 12 on  
Error summary  
sheet.

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JUL 08

DATE: 10/12/2000  
TIME: 08:27:22RAW SEQUENCE LISTING  
PATENT APPLICATION US/09/677,672Input Set : A:\Audonne1.app  
Output Set: N:\CRF3\10132000\I677672.raw

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 91 ttaatagatg caatcgatgg agaccccccc tttgtatgtt ttcagttatgaaattgggac 300  
 92 ctcttcatag aagaajcag cgcttcagc aattgttacc catatgcacat ccctgactat 360  
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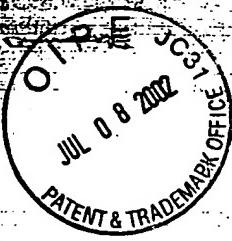
JUL 1 6 2002

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~~RAW SEQUENCE LISTING~~

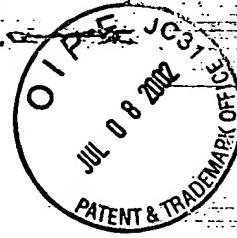
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TIME: 08:27:22

Input Set : A:\AudonneL.app  
Output Set: N:\CRF3\10132000\I677672.raw



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JUL 16 2007  
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RAW SEQUENCE LISTING DATE: 10/13/2000  
PATENT APPLICATION: US/09/677,672 TIME: 08:27:22



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Output Set: N:\CRF3\10132000\1677672.raw

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226 qtcgcaqtaa aqqtgttqq aaaaat

26

28

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## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/677,672

DATE: 10/13/2000

TIME: 08:27:22

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JUL 16 2002

TECH CENTER 1600/2900

VERIFICATION SUMMARY DATE: 10/21/2000  
PATENT APPLICATION: US/09/677,672 TIME: 08:22:23

Input Set : A:\Audonnel.app  
Output Set: N:\CRF3\10132000\1677672.raw

L:9 M:270 C: Current Application Number differs, Replaced Application Number.  
L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date.  
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L:248 M:282 W: Numeric Field Identifier Missing, <213> is required.



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